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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DWAYNE MARTIN,

15 Defendant.

Case No. 2:18-cr-00029-JCM-VCF

**STIPULATION TO CONTINUE
SENTENCING HEARING**
(First Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Peter Walkingshaw, Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Kathryn C. Newman, Assistant Federal Public Defender, counsel for Dwayne Martin, that
21 the Sentencing Hearing currently scheduled on December 4, 2020, be vacated and continued to
22 a date and time convenient to the Court, but no sooner than January 2, 2021.

23 This Stipulation is entered into for the following reasons:

24 1. Mr. Martin has serious medical issues, including rational deformity of the spine,
25 kyphosis of the cervical region and degenerative disk disease. PSR ¶ 71. As a result, he walks
26 with a cane, requires additional accommodations, and reports that he is in constant pain.

2. Mr. Martin is currently in the U.S. Marshals' custody on a *writ*. ECF No. 8. At this time, he is being evaluated for a significant back and neck surgery and is seeing doctors to develop a treatment plan.

3. Mr. Martin reasonably anticipates that following the sentencing in this case, he will be returned to the custody of the Nevada Department of Corrections. His current release date with NDOC is in mid-February 2021. To the extent the Court imposes any additional sentence, he would then be transferred to BOP custody in February.

4. Mr. Martin requests the Court continue his sentencing date so that he and his doctors can develop a treatment plan.

5. The defendant is in custody and agrees with the need for the continuance.

6. The parties agree to the continuance.

This is the first request for a continuance of the sentencing hearing.

DATED this 25th day of November, 2020.

RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Kathryn C. Newman
By _____

/s/ Peter Walkingshaw
By _____

KATHRYN C. NEWMAN
Assistant Federal Public Defender

PETER WALKINGSHAW
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 DWAYNE MARTIN,

7 Defendant.
8

Case No. 2:18-cr-00029-JCM-VCF

ORDER

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10 IT IS THEREFORE ORDERED that the sentencing hearing currently scheduled for
11 Friday, December 4, 2020 at 10:00 a.m., be vacated and continued to January 29, 2021 at the
12 hour of 11:00 a.m.

13 DATED November 30, 2020.

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16 UNITED STATES DISTRICT JUDGE
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